

EXHIBIT B

FILING DUE DATE: 10/18/01
Please Fax to (201) 352-5163

Sent by
MOC
Approved 1/10/02
9488057751

MAIL ORIGINAL TO: Danielle Coulanges, Associate Manager, 1200 Harbor Boulevard, 10th Floor, Weehawken, New Jersey 07086. Please call me at 201-352-6694 with any questions.

Legal

UBS PaineWebber

VIA FACSIMILE: (925) 746-0295
Interoffice Memorandum

TO: Michael O'Connell
(925) 937-1200

FROM: Danielle Coulanges

DATE: November 26, 2001

RE: Amendment to the CRD for Financial Advisor Alva Gene Thaning (Pagan complaint)

The National Association of Securities Dealers requires that we submit an amendment to the CRD when a Financial Advisor is a named respondent / defendant in an investment related, consumer initiated written complaint; or whenever a Financial Advisor is the subject of investment related, consumer initiated written complaint that alleges the Financial Advisor is involved in one or more sales practice violations, with a claim for compensatory damages of \$5,000 or more. If there is no damage amount alleged, the complaint must be reported unless the firm has made a good faith determination that the damages from the alleged conduct would be less than \$5,000.

The U4 Amendment must be filed regardless of whether the complaint has any merit; the filing requirement is activated simply by the allegation.

- Please have the F.A. sign as the *APPLICANT* and enter the date on the last page where the signature lines are indicated.
- The Branch Manager must print and sign their name as the *APPROPRIATE SIGNATORY* on the same page and enter the date as well.
- The F.A. may provide a brief statement regarding the allegations. I ask that you type your statement and forward it to me along with the signed U4 Amendment. I will input the information on your U4 Amendment before it is transmitted to the NASD. Please be advised that your comments may be publicly disseminated and we therefore urge you to use discretion.

Please return the U4 Amendment with original signatures to my attention at the address below within 3 days of receipt. It is essential that I receive the original signed copy.

On January 18, 2000 the NASD adopted a new rule (Rule 3080) which requires member firms to provide its registered persons with the attached disclosure whenever the registered persons submit a completed Form U-4 or amendment thereto.

NASD Rule 3080. Disclosure to Associated Persons When Signing Form U-4. A member shall provide an associated person with the following written statement whenever the associated person is asked to sign a new or amended Form U-4.

The Form U-4 contains a predispute arbitration clause. It is in item 5 on page 4 of the Form U-4. You should read that clause now. Before signing the Form U-4, you should understand the following:

- (1) You are agreeing to arbitrate any dispute, claim or controversy that may arise between you and your firm, or a customer, or any other person, that is required to be arbitrated under the rules of the self-regulatory organizations with which you are registering. This means you are giving up the right to sue a member, customer, or another associated person in court, including the right to a trial by jury, except as provided by the rules of the arbitration forum in which a claim is filed.
- (2) A claim alleging employment discrimination, including a sexual harassment claim, in violation of a statute is not required to be arbitrated under NASD rules. Such a claim may be arbitrated at the NASD only if the parties have agreed to arbitrate it, either before or after the dispute arose. The rules of other arbitration forums may be different.
- (3) Arbitration awards are generally final and binding; a party's ability to have a court reverse or modify an arbitration award is very limited.
- (4) The ability of the parties to obtain documents, witness statements and other discovery is generally more limited in arbitration than in court proceedings.
- (5) The arbitrators do not have to explain the reason(s) for their award.
- (6) The panel of arbitrators may include arbitrators who were or are affiliated with the securities industry, or public arbitrators, as provided by the rules of the arbitration forum in which a claim is filed.
- (7) The rules of some arbitration forums may impose time limits for bringing a claim in arbitration. In some cases, a claim that is ineligible for arbitration may be brought in court.

THANING, GENE ALVA : 1801835	SSN # : 558-46-7581
UBS PAINEWEBBER INC. : 8174	Reference #: 821322652043328D
U4 - Customer Complaint Disclosures	

This Disclosure Reporting Page is an ☒ INITIAL OR ☐ AMENDED response to report details for affirmative responses to **Item 23I** on page 3 of Form U-4;

Check Item(s) you are responding to:

Customer Complaint

☐ 23I(1)(a) ☐ 23I(1)(b) ☐ 23I(1)(c) ☐ 23I(2) ☒ 23I(3)(a) ☐ 23I(3)(b)

[Click here to view question text](#)

One event may result in more than one affirmative answer to the above items. Use only one DRP to report all the details related to one customer complaint. Use a separate DRP for each customer complaint.

1. Customer Name(s): GEORGE PAGAN
2. Customer(s) State of Residence: California Other state(s) of residence/detail:
3. Employing Firm when activities occurred which led to the complaint: UBS PAINEWEBBER INC.
4. Date Complaint was received (MM/DD/YYYY): 09/19/2001 <input checked="" type="radio"/> Exact <input type="radio"/> Explanation If not exact, provide explanation:
5. Allegation(s) and a brief summary of events related to the allegation(s) including dates when activities leading to the allegation(s) occurred: CUSTOMER CLAIMS THAT HE ADVISED HIS BROKER THAT HE WAS INTERESTED IN A CONSERVATIVE PORTFOLIO BUT LATER FOUND OUT THAT HE WAS IN AGGRESSIVE INVESTMENTS. ADDITIONALLY, CUSTOMER CLAIMS THAT BROKER FAILED TO ADVISE HIM OF REGULATION 72T REQUIREMENTS. TIME PERIOD: 2000-2001. DAMAGES UNSPECIFIED BUT ESTIMATED TO BE GREATER THAN \$5,000.
6. Principal Product Type: Mutual Fund(s) Other Product Types: & EQUITIES
7. Alleged Compensatory Damage Amount: \$
8. Is complaint pending? <input checked="" type="radio"/> Yes <input type="radio"/> No
9. If the complaint is not pending, provide status: If status is settlement, complete questions 11 and 12; If status is arbitration/reparation, complete questions 13-19; If status is litigation, complete questions 20-27. Complete question 28 for all statuses. <input type="checkbox"/> No Action <input type="checkbox"/> Withdrawn <input type="checkbox"/> Denied <input type="checkbox"/> Settled <input type="checkbox"/> Arbitration/Reparation <input type="checkbox"/> Litigation

PREPARED BY: *Michael J. O'Connell* 11/26/01

10. Resolution Date (MM/DD/YYYY): <input type="radio"/> Exact <input type="radio"/> Explanation If not exact, provide explanation:
11. Settlement Amount (If settled without Arbitration, Litigation or \$ Reparation):
12. Individual Contribution Amount: \$
IF ARBITRATION OR CFTC REPARATION
13. Arbitration/Reparation claim filed with (NASD, AAA, NYSE, CBOE, CFTC, etc.) and Docket/Case Number:
14. Date notice/process was served (MM/DD/YYYY): <input type="radio"/> Exact <input type="radio"/> Explanation If not exact, provide explanation:
15. Is arbitration/reparation pending? <input type="radio"/> Yes <input type="radio"/> No
16. If the arbitration is not pending, what was the disposition?
17. Disposition Date (MM/DD/YYYY): <input type="radio"/> Exact <input type="radio"/> Explanation If not exact, provide explanation:
18. Amount of Monetary Compensation (award, settlement, \$ reparation amount):
19. Individual Contribution Amount: \$
IF CIVIL LITIGATION
20. Court that case was filed in (include name of Federal, Military, State or Foreign Court, Location of Court - City or County and State or Country, Docket/Case number).
21. Date notice/process was served (MM/DD/YYYY): <input type="radio"/> Exact <input type="radio"/> Explanation If not exact, provide explanation:
22. Is the civil litigation pending? <input type="radio"/> Yes <input type="radio"/> No
23. If the civil litigation is not pending, what was the disposition?
24. Disposition Date (MM/DD/YYYY): <input type="radio"/> Exact <input type="radio"/> Explanation If not exact, provide explanation:
25. Amount of Monetary Compensation (judgment, restitution, \$ settlement amount):

26. Individual Contribution Amount: \$
27. If the action is currently on appeal enter date appeal filed (MM/DD/YYYY): <input type="radio"/> Exact <input type="radio"/> Explanation If not exact, provide explanation:
28. Provide details as to dispositions, including any limits or conditions. (Your information must fit within the space provided.)

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Individual Name: THANING, GENE ALVA	SSN: 558-46-7581
Individual CRD#: 1801835	Firm CRD#: 8174

U4 - DISCLOSURE QUESTIONS

IF THE ANSWER TO ANY OF THE FOLLOWING QUESTIONS IS 'YES' AND YOU CANNOT UTILIZE THE CERTIFICATION IN ITEM 23N BELOW, COMPLETE DETAILS OF ALL EVENTS OR PROCEEDINGS ON APPROPRIATE DRP(S)	
REFER TO THE EXPLANATION OF TERMS SECTION OF FORM U-4 INSTRUCTIONS FOR EXPLANATIONS OF ITALICIZED TERMS.	
Criminal Disclosure	
23A. (1) Have you ever:	YES NO
(a) been convicted of or pled guilty or nolo contendere ("no contest") in a domestic, foreign, or military court to any <i>felony</i> ?	<input type="radio"/> <input checked="" type="radio"/>
(b) been charged with any <i>felony</i> ?	<input type="radio"/> <input checked="" type="radio"/>
(2) Based upon activities that occurred while you exercised control over it, has an organization ever:	
(a) been convicted of or pled guilty or nolo contendere ("no contest") in a domestic or foreign court to any <i>felony</i> ?	<input type="radio"/> <input checked="" type="radio"/>
(b) been charged with any <i>felony</i> ?	<input type="radio"/> <input checked="" type="radio"/>
23B. (1) Have you ever:	
(a) been convicted of or pled guilty or nolo contendere ("no contest") in a domestic, foreign or military court to a <i>misdemeanor involving: investments or an investment-related business or any fraud, false statements or omissions, wrongful taking of property, bribery, perjury, forgery, counterfeiting, extortion, or a conspiracy to commit any of these offenses?</i>	<input type="radio"/> <input checked="" type="radio"/>
(b) been charged with a <i>misdemeanor</i> specified in 23B(1)(a)?	<input type="radio"/> <input checked="" type="radio"/>
(2) Based upon activities that occurred while you exercised control over it, has an organization ever:	
(a) been convicted of or pled guilty or nolo contendere ("no contest") in a domestic or foreign court to a <i>misdemeanor</i> specified in 23B(1)(a)?	<input type="radio"/> <input checked="" type="radio"/>
(b) been charged with a <i>misdemeanor</i> specified in 23B(1)(a)?	<input type="radio"/> <input checked="" type="radio"/>
Regulatory Disciplinary Actions	
23C. Has the U.S. Securities and Exchange Commission or the Commodity Futures Trading Commission ever:	YES NO
(1) found you to have made a false statement or omission?	<input type="radio"/> <input checked="" type="radio"/>
(2) found you to have been involved in a violation of its regulations or statutes?	<input type="radio"/> <input checked="" type="radio"/>
(3) found you to have been a cause of an <i>investment-related</i> business having its authorization to do business denied, suspended, revoked, or restricted?	<input type="radio"/> <input checked="" type="radio"/>
(4) entered an order against you in connection with <i>investment-related</i> activity?	<input type="radio"/> <input checked="" type="radio"/>
(5) imposed a civil money penalty on you, or ordered you to cease and desist from any activity?	<input type="radio"/> <input checked="" type="radio"/>
23D. Has any other Federal regulatory agency or any state regulatory agency or foreign financial regulatory authority ever:	
(1) found you to have made a false statement or omission or been dishonest, unfair or unethical?	<input type="radio"/> <input checked="" type="radio"/>


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(2) found you to have been involved in a violation of investment-related regulation(s) or statute(s)?	<input type="radio"/>	<input checked="" type="radio"/>
(3) found you to have been a cause of an investment-related business having its authorization to do business denied, suspended, revoked or restricted?	<input type="radio"/>	<input checked="" type="radio"/>
(4) entered an order against you in connection with an investment-related activity?	<input type="radio"/>	<input checked="" type="radio"/>
(5) denied, suspended, or revoked your registration or license or otherwise, by order, prevented you from associating with an investment-related business or restricted your activities?	<input type="radio"/>	<input checked="" type="radio"/>
23E. Has any self-regulatory organization or commodities exchange ever:		
(1) found you to have made a false statement or omission?	<input type="radio"/>	<input checked="" type="radio"/>
(2) found you to have been involved in a violation of its rules (other than a violation designated as a "minor rule violation" under a plan approved by the U.S. Securities and Exchange Commission)?	<input type="radio"/>	<input checked="" type="radio"/>
(3) found you to have been the cause of an investment-related business having its authorization to do business denied, suspended, revoked or restricted?	<input type="radio"/>	<input checked="" type="radio"/>
(4) disciplined you by expelling or suspending you from membership, barring or suspending your association with its members, or restricting your activities?	<input type="radio"/>	<input checked="" type="radio"/>
23F. Has your authorization to act as an attorney, accountant or federal contractor ever been revoked or suspended?		
23G. Have you been notified, in writing, that you are now the subject of any:		
(1) regulatory complaint or proceeding that could result in a "yes" answer to any part of 23C, D or E? (If yes, complete the Regulatory Action Disclosure Reporting Page.)	<input type="radio"/>	<input checked="" type="radio"/>
(2) investigation that could result in a "yes" answer to any part of 23A, B, C, D or E? (If yes, complete the Investigation Disclosure Reporting Page.)	<input type="radio"/>	<input checked="" type="radio"/>
Civil Judicial Actions		
23H. (1) Has any domestic or foreign court ever:	YES	NO
(a) enjoined you in connection with any investment-related activity?	<input type="radio"/>	<input checked="" type="radio"/>
(b) found that you were involved in a violation of any investment-related statute(s) or regulation(s)?	<input type="radio"/>	<input checked="" type="radio"/>
(c) dismissed, pursuant to a settlement agreement, an investment-related civil action brought against you by a state or foreign financial regulatory authority?	<input type="radio"/>	<input checked="" type="radio"/>
(2) Are you named in any pending investment-related civil action that could result in a 'yes' answer to any part of 23H(1)?	<input type="radio"/>	<input checked="" type="radio"/>
Customer Complaints		
23I. (1) Have you ever been named as a respondent/defendant in an investment-related, consumer-initiated arbitration or civil litigation which alleged that you were involved in one or more sales practice violations and which:	YES	NO
(a) is still pending, or;	<input type="radio"/>	<input checked="" type="radio"/>
(b) resulted in an arbitration award or civil judgment against you, regardless of amount, or;	<input type="radio"/>	<input checked="" type="radio"/>
(c) was settled for an amount of \$10,000 or more?	<input type="radio"/>	<input checked="" type="radio"/>
(2) Have you ever been the subject of an investment-related, consumer-initiated complaint, not otherwise reported under question 23I(1)?	<input checked="" type="radio"/>	<input type="radio"/>

<p>above, which alleged that you were <i>involved</i> in one or more <i>sales practice violations</i>, and which complaint was settled for an amount of \$10,000 or more?</p> <p>(3) Within the past twenty four (24) months, have you been the subject of an <i>investment-related</i>, consumer-initiated, written complaint, not otherwise reported under question 23I(1) or (2) above, which:</p> <p>(a) alleged that you were <i>involved</i> in one or more <i>sales practice violations</i> and contained a claim for compensatory damages of \$5,000 or more (If no damage amount is alleged, the complaint must be reported unless the firm has made a good faith determination that the damages from the alleged conduct would be less than \$5,000), or; <input checked="" type="radio"/> <input type="radio"/></p> <p>(b) alleged that you were <i>involved</i> in forgery, theft, misappropriation or conversion of funds or securities? <input type="radio"/> <input checked="" type="radio"/></p>	
Terminations	
23J. Have you ever voluntarily <i>resigned</i> , been discharged or permitted to <i>resign</i> after allegations were made that accused you of:	YES NO
(1) violating <i>Investment-related</i> statutes, regulations, rules, or industry standards of conduct?	<input type="radio"/> <input checked="" type="radio"/>
(2) fraud or the wrongful taking of property?	<input type="radio"/> <input checked="" type="radio"/>
(3) failure to supervise in connection with <i>Investment-related</i> statutes, regulations, rules or industry standards of conduct?	<input type="radio"/> <input checked="" type="radio"/>
Financial	
23K. Within the past 10 years:	YES NO
(1) have you made a compromise with creditors, filed a bankruptcy petition or been the subject of an involuntary bankruptcy petition?	<input type="radio"/> <input checked="" type="radio"/>
(2) based upon events that occurred while you exercised <i>control</i> over it, has an organization made a compromise with creditors, filed a bankruptcy petition or been the subject of an involuntary bankruptcy petition?	<input type="radio"/> <input checked="" type="radio"/>
(3) based upon events that occurred while you exercised <i>control</i> over it, has a broker or dealer been the subject of an involuntary bankruptcy petition, or had a trustee appointed, or had a direct payment procedure initiated under the Securities Investor Protection Act?	<input type="radio"/> <input checked="" type="radio"/>
23L. Has a bonding company ever denied, paid out on, or revoked a bond for you?	<input type="radio"/> <input checked="" type="radio"/>
23M. Do you have any unsatisfied judgments or liens against you?	<input type="radio"/> <input checked="" type="radio"/>

11-26-01
 (MM DD YY)
A. J. Thanning
 Signature of Applicant
Alva Gene Thanning
 Type or Print Name of Applicant
11/26/01
 (MM DD YYYY)


Signature of Appropriate Signatory
Michael O'Connell-BOM
Type or Print Name of Appropriate Signatory